

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE I, §52-31 RELATED TO THE FEE FOR FILING APPEALS FROM THE ACTION OF THE BUILDING OFFICIAL TO THE BOARD OF ADJUSTMENTS AND APPEALS.

COUNCIL HAS DETERMINED THAT IN ORDER TO BETTER SERVE THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF SUSSEX COUNTY IT IS NECESSARY TO REVISE THE CODE OF SUSSEX COUNTY FOR THE PURPOSE OF INCREASING THE FEE FOR FILING AN APPEAL TO THE BOARD OF ADJUSTMENTS AND APPEALS TO AN AMOUNT EQUAL TO THE FEES CURRENTLY PAID TO THE MEMBERS OF SAID BOARD, TO PREVENT A SHORTFALL IN COUNTY BUILDING CODE REVENUES.

NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

§ 52-31. Appeals.

- A. Whenever the Building Official shall reject or refuse to approve the mode or manner of construction proposed to be followed or materials to be used in the erection or alteration of a building or structure or when it is claimed that the provisions of this code do not apply or that an equally good or more desirable form of construction can be employed in any specific case or whether it is claimed that the true intent and meaning of this code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure or his duly authorized agent may appeal from the decision of the Building Official to the Board of Adjustments and Appeals. Notice of appeal shall be in writing and filed within 90 days after the decision is rendered by the Building Official. A fee of [~~\$100~~] \$600 shall accompany such notice of appeal.

Synopsis:

This amendment revises the fee for filing appeals from the action of a Building Official to the Board of Adjustments and Appeals by increasing the fee from \$100 to \$600, to rectify a shortfall in building code administration revenues, since the fee paid to the members of the Board is \$100 for each member in attendance each time the Board is convened. Between March 2005 and February 2006, eight appeals were filed on which the County collected \$800 in appeal fees but paid out \$2,900 in compensation to the members of the Building Code Appeal Board.